

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE No. 23-cv-22882-BLOOM**

**ISMAIL SHABAZZ,**

Plaintiff,

v.

**JPAY SECURUS INC.,**

Defendant.

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**ORDER OF DISMISSAL**

**THIS CAUSE** is before the Court upon a *sua sponte* review of the record. On August 2, 2023, Plaintiff Ismail Shabazz's Complaint, ECF No. [1], was entered on the docket. As of the date of this Order, Plaintiff has not paid the \$402 filing fee (\$350 + \$52 administrative fee) or filed a motion for leave to *proceed in forma pauperis* ("IFP").

Plaintiffs who cannot pay the filing fee may file a motion for leave to proceed IFP to proceed with their action without initial payment of the fee. *See* 28 U.S.C. § 1915. Section 1915 requires that plaintiffs file a motion for leave to proceed IFP accompanied by "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." *Id.* at (a)(1). It further requires that a plaintiff "submit a certified copy of the trust fund account statement (or institutional equivalent) for . . . the 6-month period immediately preceding the filing of the complaint . . . ." *Id.* at (a)(2). A Plaintiff who is granted IFP status is exempt from the \$52 administrative fee but remains responsible for payment of the \$350 filing fee. *See id.* at (b)(1).

Pursuant to Federal Rule of Civil Procedure 41(b), a district court may dismiss a complaint

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for failure to prosecute or failure to comply with a court order or the federal rules. *See Brown v. Blackwater River Corr. Facility*, 762 F. App'x 982, 985 (11th Cir. 2019) (“[A] district court may sua sponte dismiss a suit for failure to prosecute or failure to comply with an order.”). Because Plaintiff failed to pay the filing fee or file a motion to proceed IFP with a supporting financial affidavit and a certified trust account statement, the Complaint is dismissed for failure to prosecute.

Accordingly, it is **ORDERED AND ADJUDGED** that the Complaint, **ECF No. [1]**, is **DISMISSED without prejudice**. The Clerk shall **CLOSE** this case.

**DONE AND ORDERED** in Chambers at Miami, Florida, on August 3, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, with a long horizontal stroke extending to the right.

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**BETH BLOOM**  
**UNITED STATES DISTRICT JUDGE**

Copies to:

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PRO SE